



# Freedom of Information Policy

**God made us all unique  
To learn, live and grow  
To show care, concern and  
friendship  
To be the best we can  
Showing Christ's love in all we do.**

St. Cuthbert's Catholic Primary School will comply with:

The terms of the Freedom of Information Act 2000, and any subsequent relevant legislation, to ensure all information held by the school is treated in a manner that is fair and lawful.

This policy should be used in conjunction with St. Cuthbert's E-Safety Policy; Data Protection Policy; Data Breach Policy.

## **Data Gathering and Storage**

Information will only be gathered and stored for specified purposes.

In order to be able to respond to requests for information St. Cuthbert's will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.

Information held by St. Cuthbert's will be regularly reviewed with a view to archiving or destruction, where appropriate.

## **Publication Scheme**

St. Cuthbert's has adopted the model publication scheme produced by the Information Commissioner's Office and recommended by the Department for Education. This is available on our school website or a paper copy can be requested from the school office.

## **Dealing with Requests for Information**

Theoretically any request for information is a request under the Freedom of Information Act. Only those requests which are considered to be outside the normal remit of the school will be recorded as Freedom of Information requests. St. Cuthbert's will assist applicants in making their request to have access to information held by the school.

Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, LA, hospital). St. Cuthbert's will also exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information should still be dealt with in compliance with the 20 day deadline, whether they are recorded as Freedom of Information requests or not.

If a response will take longer than ten working days to respond an acknowledgement should be sent to the person making the request, informing them when the information will be supplied. This acknowledgement does not allow the school to exceed the overall 20 day deadline.

The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by the Department for Constitutional Affairs. If the estimated cost of complying with the request does not exceed this amount the school is not entitled to make a charge for fulfilling the request. The Learning and Culture Data Protection and Freedom of Information Manager will notify any changes to these rates to Birmingham schools.

A senior member of staff (Deputy Headteacher) will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

Persons requesting data will be supplied with a copy of our complaints procedure.

Copies of data supplied should be retained for two years from the date it was put into the public domain.

## **Applying Exemptions**

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified. In practice there are very few which are likely to be applied by the education sector.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other Governors, Headteacher, Deputy Headteacher.

Even if the group decides information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

Advice should be sought from Learning and Culture's Data Protection and Freedom of Information Manager or Legal Services if there is any doubt as to whether information should be disclosed.

## **Logging Requests Received**

St. Cuthbert's will keep a record (See Appendix 1) of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

This policy will be referred to in the Staff Handbook and reviewed annually.

